



Christopher C. Wheeler

Partner

cwheeler@fbm.com

San Francisco: 415.954.4979

Christopher Wheeler litigates high-stakes, complex civil matters, with a focus on antitrust and other business disputes.

In his antitrust practice, Chris has represented plaintiffs and defendants in class and competitor cases. In the antitrust class action against Sutter Health, a case that Sutter maintained “implicat[ed] California’s entire healthcare industry,” he led the Farella team that, along with the California Attorney General and co-counsel, obtained a \$575,000,000 settlement and historic injunctive relief on behalf of a certified class of California employers, government entities, and union trusts. The settlement represents the largest all-cash settlement in the history of California state court. As Harvard Business School Professor Leemore Dafny stated in the *Los Angeles Times*: “This settlement has provided a marker for the rest of the nation.” Chris has been named a California Lawyer Attorney of the Year by the *Daily Journal* and he has received the American Antitrust Institute’s Outstanding Antitrust Litigation Achievement in Private Law Practice award.

State attorneys general across the nation have recognized Chris’s antitrust expertise, retaining him in connection with both merger and conduct cases. The Rhode Island Attorney General retained Chris to lead the antitrust investigation of the \$4 billion merger between the two largest health systems in Rhode Island. Following the Attorney General’s administrative decision denying the merger, the transacting parties abandoned the proposed transaction.

Chris brings a background in economics and market regulation to his antitrust and complex litigation practice. During the U.S. financial crisis, he served as vice president and deputy director of the Committee on Capital Markets Regulation, where he led one of the first investigations into the regulatory failures contributing to the crisis. Chris began his career at the Federal Reserve Bank of New York.

Chris’s trial experience is varied. He successfully defended a leading Silicon Valley company in a patent license arbitration against a competitor—backed by one of the world’s largest private equity firms—that was seeking tens of millions of dollars in unpaid royalties. Following three years of litigation and an evidentiary hearing lasting 25 days, the arbitrator sanctioned the competitor for more than it recovered in unpaid royalties. Chris also has prosecuted and tried to verdict a number of criminal cases as a “loaner” Assistant District Attorney in the San Francisco District Attorney’s Office.

As a participant in the Bar Association of San Francisco’s Federal Pro Bono Project, Chris maintains an active *pro bono* practice. He has represented an indigent family in an unlawful detainer action, a victim of elder abuse, and a family-run business in an ERISA action. Chris also has won political asylum for refugee families, including a Laotian Hmong veteran of the CIA “secret army” and his wife and three generations of survivors of the Liberian civil war.

Chris is a member of the Executive Committee of the Antitrust and Unfair Competition Section of the California Lawyers Association and serves as executive editor of the *California Antitrust and Unfair Competition Law* treatise. He is vice chair of the Antitrust and Business Regulation Section of the Bar Association of San Francisco. Chris serves on the Executive Committee of the Harvard Law School Association and is a past president of the Harvard Law School Association of Northern California. At Farella, he serves on the New Business and Partnership Admissions committees.

Services

- Antitrust
- Business Litigation
- Financial Services
- Fintech
- Healthcare
- Securities and Commodities Litigation

Education

- Harvard Law School (J.D., 2002)
- Williams College (B.A., 1996)
 - . *summa cum laude*, Phi Beta Kappa

Bar Admissions

- California

Distinctions

- California Lawyer Attorneys of the Year (CLAY) Award, *Daily Journal* (2022)

Memberships and Affiliations

- Member, Executive Committee, Antitrust and Unfair Competition Law Section, California Lawyers Association
- Vice Chair, Antitrust and Business Regulation Section, Bar Association of San Francisco (2023)
- Member, Executive Committee, Antitrust and Business Regulation Section, Bar Association of San Francisco
- Member, Executive Committee, Harvard Law School Association
- Immediate Past President, Harvard Law School Association of Northern California
- Member, Antitrust Practice Group, American Health Law Association
- Member, Antitrust Law Section, American Bar Association
- Member, Litigation Section Executive Committee, Bar Association of San Francisco (2016-2017)

Experience

Rhode Island Attorney General Antitrust Investigation of Proposed Merger Between Two Largest Healthcare Systems in Rhode Island

Represent the Rhode Island Attorney General in conducting an antitrust investigation, in coordination with the Federal Trade Commission, of the proposed merger between the two largest healthcare systems in Rhode Island. Following the issuance of the Rhode Island Attorney General's 131-page, single-spaced decision regarding the proposed transaction, the transacting parties abandoned the merger.

Historic \$575 Million Settlement With Sutter Health in Antitrust Class Action

Represented UFCW & Employers Benefit Trust (UEBT) and a certified class of direct purchasers of hospital services in seeking preliminary approval of a historic settlement reached on the eve of trial in the landmark antitrust class action against Sutter Health, the largest hospital system in Northern California. Sutter has agreed to pay \$575,000,000 in monetary relief and to comply with comprehensive injunctive relief, including an independent monitor who will police Sutter's compliance with the proposed final judgment over a 10-year period.

Rebar Fabricator and Installer Antitrust and Unfair Competition Litigation

Represent a fabricator and installer of rebar in an antitrust and unfair competition against the largest manufacturer and fabricator of rebar in the United States. The action in the Northern District of California alleges violations of the Sherman Act, the Cartwright Act, and California's Unfair Competition Law and Unfair Business Practices Act in connection with an unlawful territorial restriction and predatory pricing.

Manufacturing Company Breach of Fiduciary Duty Litigation

Represented a Modesto-based manufacturing company in an action in Stanislaus County Superior Court against two former executives who had secretly paid themselves approximately \$60 million in compensation in breach of their fiduciary obligations to the company. The case settled on the eve of trial following motions in limine.

Digital Couponing Technology Company Patent License Arbitration

Defended a leading Silicon Valley digital couponing technology company in a patent license arbitration

brought by a competitor—backed by one of the world’s largest private equity firms—that was seeking tens of millions of dollars in unpaid royalties. Following three years of litigation and an evidentiary hearing lasting 25 days, the arbitrator sanctioned the competitor for more than it recovered in unpaid royalties.

Cryptocurrency Exchange Interpleader Action

Represented a cryptocurrency exchange in an interpleader action in the Northern District of California involving a dispute between a cryptocurrency company and its founders. The novel action resulted in the first known interpleader deposit of cryptocurrency with a federal district court.

Publications

February 22, 2021

Pandemic Restriction Challenges Face Uphill Battle in California

Law360

January 19, 2021

New Year, New CMS Price Transparency Rule For Hospitals

Health Affairs Blog

June 1, 2020

What Retailers Need to Know About California’s Price-Gouging Laws

Retail Leader

May 5, 2020

Testing California’s Price Gouging Statute

Law360

Outside the Office

Chris lives in Alameda with his wife and three children. He has coached girls and boys basketball in the Alameda Youth Basketball league. Chris is a parishioner at St. Joseph’s Basilica in Alameda and is an avid open-water swimmer.